UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,917	07/15/2003	Christopher J. Allen	10761.1457	7149

81331   7590   01/28/2009
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EXAMINER
STACE, BRENT S

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
01/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 November 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _31 July 2008_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   This communication is responsive to the amendment filed November 7th, 2008.

Claims 1-33 are pending. In the amendment filed November 7th, 2008, Claims 1, 8, 12,

19, 23, and 30 are amended and Claims 1, 8, 12, 19, 23, and 30 are independent

Claims. The examiner acknowledges that no new matter was introduced and the claims

are supported by the specification. This action is made FINAL.

Response to Arguments

2.   Applicant's arguments filed November 7th, 2008 with respect to Claims 1-33 have

been fully considered but they moot in view of the new grounds of rejection.

3.   With respect to the applicant's argument with respect to exemplary Claim 1

(including Claims 8, 12, 19, 23, and 30) that the prior art(s) allegedly do not teach

"wherein the skill impacting system includes a learning management educational

system, a customer satisfaction scoring system, an a performance metrics

scoring system, and wherein the skill data includes satisfaction assessments,

completion or results from a training course, and performance metrics," the

examiner respectfully submits that some of this new claimed subject matter is either

moot in view of the new ground(s) of rejection or is taught by the McFarlane prior art.

See the rejection below.

4.   The other claims argued merely because of a dependency on a previously

argued claim(s) or because they are substantially the same as a previously argued

claim(s) in the arguments presented to the examiner, filed November 7th, 2008, are

moot in view of the examiner's interpretation of the claims and art and are still

considered rejected based on their respective rejections from a prior Office action (parts

of recited again below).

Response to Amendment

Drawings

5.   In light of the applicant's respective arguments or respective amendments, the

previous drawing objections to the drawings have been withdrawn.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claims 1-5, 7-16, 18-27, and 29-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,453,038 (McFarlane et al.) in view of U.S. Patent

No. 6,128,380 (Shaffer et al.).

For **Claim 1**, McFarlane teaches: "A method of maintaining skills for agents of a

contact center, [McFarlane, col. 4, lines 11-28] the method comprising:

- providing profiles in a central skill database for a plurality of agents [McFarlane,
  col. 4, lines 7-28 with McFarlane, Fig. 6]

- providing a skill-impacting system, the skill impacting system storing data for
  each of the plurality of agents in the central skill database, wherein storing skill
  data comprises modifying at least one of the profiles, [McFarlane, col. 11, lines
  24-39 with McFarlane, col. 12, lines 17-20 with McFarlane, col. 4, lines 13-23
  with McFarlane, Fig. 6] wherein the skill impacting system includes …, a
  customer satisfaction scoring system, an a performance metrics scoring system,
  and wherein the skill data includes satisfaction assessments, … and
  performance metrics; [McFarlane, col. 1, lines 39-42 with McFarlane, col. 11,
  lines 37-54]

- receiving from the skill-impacting system skill data for a first agent; [McFarlane,
  col. 11, lines 23-55 with McFarlane, col. 12, lines 8-17]

- updating a first profile in the central skill database for the first agent based on the skill data received [McFarlane, col. 11, lines 23-55 with McFarlane, col. 12, lines 17-20]

- ...such that the routing logic determines which of the plurality of agents are to handle a contact based on at least skill data" [McFarlane, col. 4, lines 40-59]. McFarlane discloses the above limitations but does not expressly teach:

- "...a learning management educational system...completion or results from a training course

- ...selectively synchronizing routing logic of a routing system with skill-based information from the first profile in the central skill database ..., wherein the synchronizing is independent of the updating."
With respect to Claim 1, an analogous art, Shaffer, teaches:

- "...a learning management educational system...completion or results from a training course [Shaffer, Fig. 4 with Shaffer, cols. 5-6, lines 41-15]

- ...selectively synchronizing routing logic of a routing system with skill-based information from the first profile in the central skill database ..., wherein the synchronizing is independent of the updating" [Shaffer, Fig. 4 (specifically, step 220 and 222) with Shaffer, cols. 5-6, lines 41-15 with McFarlane, col. 5, lines 49-51 with McFarlane, col. 10, lines 29-47 (which is a summary/example of McFarlane, col. 7, lines 19-67)].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Shaffer with McFarlane because both inventions are directed towards utilizing databases on computers for call processing.

Shaffer's invention would have been expected to successfully work well with McFarlane's invention because both inventions use databases of agents for call processing. McFarlane discloses a system for integrating agent database access skills in call center agent assignment applications comprising an agent database and routing calls to the proper agents, however McFarlane does not expressly disclose a learning management educational system...completion or results from a training course or selectively synchronizing routing logic of a routing system with skill-based information from the first profile in the central skill database ..., wherein the synchronizing is independent of the updating. Shaffer discloses an automatic call distribution and training system comprising a learning management educational system...completion or results from a training course and selectively synchronizing routing logic of a routing system with skill-based information from the first profile in the central skill database ..., wherein the synchronizing is independent of the updating.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the training and synchronization methods from Shaffer and install them into the invention of McFarlane, thereby offering the obvious advantage of automatically providing training to agents based on call queue activity such that agent use and skill can be matched with the statistical demands and needs of the business (Shaffer, col. 3, lines 20-36 (and Shaffer, col. 6, lines 4-22)).

    Claim 2 can be mapped to McFarlane (as modified by Shaffer) as follows: "The

method from claim 1, further comprising:

- receiving a contact from a customer; [McFarlane, col. 4, lines 28-33]

- processing routing logic in the routing system to select a second agent from the

  plurality of agents; [McFarlane, col. 4, lines 39-60] and

- routing the contact to the second agent; [McFarlane, col. 4, lines 39-60]

- wherein the routing logic includes routing rules and routing source data for

  performing the step of routing, [McFarlane, col. 5, lines 49-54 with McFarlane,

  cols. 7-8, lines 20-11] the routing source data including agent availability and the

  skill-based information in the routing system" [McFarlane, col. 4, lines 39-60].

    Claim 3 can be mapped to McFarlane (as modified by Shaffer) as follows: "The

method from claim 1, wherein synchronizing the routing system is accomplished for a

plurality of profiles in the central skill database" [Shaffer, col. 6, lines 10-15].

    Claim 4 can be mapped to McFarlane (as modified by Shaffer) as follows: "The

method from claim 1, wherein updating the first profile is triggered when skill data is

received from the skill-impacting system" [McFarlane, col. 11, lines 26-55 with

McFarlane, col. 12, lines 17-20].

    Claim 5 can be mapped to McFarlane (as modified by Shaffer) as follows: "The

method from claim 1, wherein synchronizing the routing system is automatically run

when triggered by an event" [McFarlane, col. 4, lines 28-60, the event being the

selection of an agent].

Claim 7 can be mapped to McFarlane (as modified by Shaffer) as follows: "The method from claim 1, wherein the skill data is received from a plurality of skill-impacting systems" [McFarlane, col. 11, lines 23-55 with McFarlane, col. 12, lines 17-20, one system being the supervisor/admin and the other being the "procsee" (which appears to supposed to be a process) engine].

For **Claim 8**, McFarlane teaches:

- …maintaining a plurality of profiles in a central skill database corresponding to a plurality of contact center agents, [McFarlane, col. 4, lines 7-28 with McFarlane, Fig. 6] wherein the plurality of profiles comprise skill-based ratings for a plurality of skills; [McFarlane, col. 11, lines 22-26 with McFarlane, Fig. 6]

- storing skill data for each of the plurality of agents in the central skill database of at least one skill-impacting system, wherein the step of storing skill data comprises modifying at least one of the plurality of profiles, [McFarlane, col. 11, lines 24-39 with McFarlane, col. 12, lines 17-20 with McFarlane, col. 4, lines 13-23 with McFarlane, Fig. 6] wherein the skill impacting system includes…a customer satisfaction scoring system, and a performance metrics scoring system, and wherein the skill data includes satisfaction assessments…and performance metrics; [McFarlane, col. 1, lines 39-42 with McFarlane, col. 11, lines 37-54]

- using the skill data from the at least one skill-impacting system to update the plurality of profiles in the central skill database; [McFarlane, col. 11, lines 23-55 with McFarlane, col. 12, lines 17-20]

- ...wherein the source data is based on agent skills and configures routing logic to make routing decisions" [McFarlane, col. 4, lines 39-60].

McFarlane discloses the above limitations but does not expressly teach: "A method for synchronizing skill data in a contact center, comprising:

- ...a learning management educational system...completion or results from a training course

- ...maintaining source data in a routing system for the contact center

- ...selectively updating the source data based on agent skills with skill-based ratings in the central skill database for reconfiguring the routing logic, wherein the updating the source data is independent of updating the plurality of profiles."

With respect to Claim 8, an analogous art, Shaffer, teaches: "A method for synchronizing skill data in a contact center [Shaffer, Fig. 4] comprising:

- ...a learning management educational system...completion or results from a training course [Shaffer, Fig. 4 with Shaffer, cols. 5-6, lines 41-15]

- ...maintaining source data in a routing system for the contact center [Shaffer, cols. 3-4, lines 67-6 with Shaffer, Fig. 1 with McFarlane, col. 4, lines 39-60]

- ...selectively updating the source data based on agent skills with skill-based ratings in the central skill database for reconfiguring the routing logic, wherein the updating the source data is independent of updating the plurality of profiles" [Shaffer, Fig. 4 (specifically, step 220 and 222) with Shaffer, cols. 5-6, lines 41-15 with McFarlane, col. 5, lines 49-51 with McFarlane, col. 10, lines 29-47 (which is a summary/example of McFarlane, col. 7, lines 19-67)].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Shaffer with McFarlane because both inventions are directed towards utilizing databases on computers for call processing.

Shaffer's invention would have been expected to successfully work well with McFarlane's invention because both inventions use databases of agents for call processing. McFarlane discloses a system for integrating agent database access skills in call center agent assignment applications comprising an agent database and routing calls to the proper agents, however McFarlane does not expressly disclose synchronizing skill data in a contact center, a learning management educational system...completion or results from a training course, maintaining source data in a routing system for the contact center, nor selectively updating the source data based on agent skills with skill-based ratings in the central skill database for reconfiguring the routing logic, wherein the updating the source data is independent of updating the plurality of profiles. Shaffer discloses an automatic call distribution and training system comprising synchronizing skill data in a contact center, a learning management educational system...completion or results from a training course, maintaining source data in a routing system for the contact center, and selectively updating the source data based on agent skills with skill-based ratings in the central skill database for reconfiguring the routing logic, wherein the updating the source data is independent of updating the plurality of profiles.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the synchronization methods, training methods, and source data from

Shaffer and install them into the invention of McFarlane, thereby offering the obvious

advantage of automatically providing training to agents based on call queue activity

such that agent use and skill can be matched with the statistical demands and needs of

the business (Shaffer, col. 3, lines 20-36 (and Shaffer, col. 6, lines 4-22)).

Claim 9 can be mapped to McFarlane (as modified by Shaffer) as follows: "The

method from claim 8, further comprising:

- identifying at least one contact characteristic for a customer; [McFarlane, col. 4,

  lines 28-35] and

- selecting an agent from the plurality of agents for the customer; [McFarlane, col.

  4, lines 39-60]

- wherein selecting comprises processing the routing logic to consider the skill-

  based ratings of the plurality of agents in view of the at least one contact

  characteristic" [McFarlane, col. 4, lines 39-60].

Claim 10 can be mapped to McFarlane (as modified by Shaffer) as follows: "The

method from claim 9, wherein selecting further comprises choosing an agent who is a

best-fit" [McFarlane, col. 4, lines 51-60 with McFarlane, col. 5, lines 61-65 with

McFarlane, col. 8, lines 7-11].

Claim 11 can be mapped to McFarlane (as modified by Shaffer) as follows: "The

method from claim 8 wherein maintaining the plurality of profiles is triggered by the

occurrence of a skill-changing event indicated by the at least one skill-impacting

system" [McFarlane, col. 11, lines 26-55 with McFarlane, col. 12, lines 17-20].

Claims 12-16 and 18 encompass substantially the same scope of the invention as that of Claims 1-5, and 7, respectfully, in addition to a system and some modules for performing the method steps of Claims 1-5, and 7, respectfully. Therefore, Claims 12-16 and 18 are rejected for the same reasons as stated above with respect to Claims 1-5, and 7, respectfully.

Claims 19-22 encompass substantially the same scope of the invention as that of Claims 8-11, respectfully, in addition to a system and some modules for performing the method steps of Claims 8-11, respectfully. Therefore, Claims 19-22 are rejected for the same reasons as stated above with respect to Claims 8-11, respectfully.

Claims 23-27 and 29 encompass substantially the same scope of the invention as that of Claims 1-5, and 7, respectfully, in addition to a computer program on a computer readable medium and some code for performing the method steps of Claims 1-5, and 7, respectfully. Therefore, Claims 23-27 and 29 are rejected for the same reasons as stated above with respect to Claims 1-5, and 7, respectfully.

Claims 30-33 encompass substantially the same scope of the invention as that of Claims 8-11, respectfully, in addition to a computer program on a computer readable medium and some code for performing the method steps of Claims 8-11, respectfully. Therefore, Claims 30-33 are rejected for the same reasons as stated above with respect to Claims 8-11, respectfully.

9.   Claims 6, 17, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,453,038 (McFarlane et al.) in view of U.S. Patent No. 6,128,380

(Shaffer et al.), further in view of U.S. Patent No. 6,901,380 (Bremers).

For **Claim 6**, McFarlane (as modified by Shaffer) teaches: "The method from claim

1."

McFarlane (as modified by Shaffer) discloses the above limitation but does not

explicitly teach:

- "…wherein synchronizing the routing system is automatically run at a

  predetermined time interval.

  With respect to Claim 6, an analogous art, Bremers, teaches:

- "…wherein synchronizing the routing system is automatically run at a

  predetermined time interval" [Bremers, cols. 15-16, lines 63-8].

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine Bremers with McFarlane (as modified by Shaffer) because both

inventions are directed towards utilizing databases on computers.

Bremers's invention would have been expected to successfully work well with

McFarlane (as modified by Shaffer)'s invention because both inventions use databases.

McFarlane (as modified by Shaffer) discloses a system for integrating agent database

access skills in call center agent assignment applications comprising an agent database

and routing calls to the proper agents, however McFarlane (as modified by Shaffer)

does not expressly disclose wherein synchronizing the routing system is automatically

run at a predetermined time interval. Bremers discloses a merchandising system

method and program product utilizing an intermittent network connection comprising

synchronizing databases automatically at a predetermined time interval.

It would have been obvious to one of ordinary skill in the art at the time of

invention to take the synchronization methods from Bremers and install them into the

invention of McFarlane (as modified by Shaffer), thereby offering the obvious advantage

of reducing the bandwidth on the database of agent skills so as to reduce cost

(Bremers, col. 9, lines 35-42).

Claim 17 encompasses substantially the same scope of the invention as that of

Claim 6 in addition to a system and some modules for performing the method steps of

Claim 6. Therefore, Claim 17 is rejected for the same reasons as stated above with

respect to Claim 6.

Claim 28 encompasses substantially the same scope of the invention as that of

Claim 6 in addition to a computer program on a computer readable medium and some

code for performing the method steps of Claim 6. Therefore, Claim 28 is rejected for

the same reasons as stated above with respect to Claim 6.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Conclusion

11.   Any prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on any PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu M. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/B. S./
Examiner, Art Unit 2161

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161